IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 15061 of 2003(R)

PETITIONER:

VELIMUKKU SERVICE CO-OPERATIVE BANK LTD., NO.7725, REPRESENTED BY ITS SECRETARY, VELIMUKKU POST, MALAPPURAM DISTRICT.

BY ADV. SRI.S.V.BALAKRISHNA IYER,
SRI.K.JAYAKUMAR.

RESPONDENTS:
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1. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), TIRUR.**

2. **P.SAKEENA, D/O. P.ABDURAHIMAN, PUTHOORKATTU HOUSE, P.O.VELIMUKKU.**

BY SPL.GOVT.PLEADER SRI. K.V. MANOJ KUMAR,
ADV. SRI.BABU S. NAIR.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007,ALONG WITH O.P. NOS. 15122/2003 & 15039/2003, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 25161/2003 IN O.P. NO. 15061/2003

DISMISSED

20/06/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P.1: COPY OF THE ORDER DTD. 02/05/2003 PASSED BY THE R.1. HEREIN IN A.R.C. NO. 64/02-03 REJECTING IMPLEADEMENT OF MR. DEVADAS, THE PREVIOUS SECRETARY OF THE PETITIONER BANK HEREIN, IN THE ARBITRATION CASE.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

O.P. Nos. 15039, 15061 & 15122 OF 2003

Dated 20th June, 2007.

J U D G M E N T

These writ petitions are filed at the instance of a Service Cooperative Bank which is aggrieved by the interim orders passed by the Arbitrator under Section 69 of the Kerala Cooperative Societies Act, 1969. By the impugned orders, the Arbitrator refused to implead the former Secretary of the petitioner Bank in the arbitration cases. It is the stand of the petitioner that the former Secretary, viz., Sri.Devadas is personally responsible for the misappropriation and hence he is a necessary party in the arbitration proceedings. The Arbitrator observed that in case the Bank is of such a view, it is for the Bank to proceed against the said Secretary independently and in the arbitration proceedings initiated at the instance of the depositors, the said Secretary is not a necessary party. It is also to be seen that the Arbitrator has only passed interim orders. If ultimately the petitioner Bank is aggrieved by the award, the Bank can take up all available contentions in pursuing the grievances in appropriate proceedings at that time. In

that view of the matter, it is not necessary to stall the proceedings before the Arbitrator. Therefore, without prejudice to the liberty to the petitioner as above, these writ petitions are dismissed. The Arbitrator shall dispose of the arbitration cases within four months from the date of receipt of a copy of the judgment.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. Nos.15039, 15061 & 15122 OF 2003

J U D G M E N T

Dated 20th June, 2007.